

**TOWN OF NORTHFIELD
BOARD OF SELECTMEN
Tuesday, July 8, 2014**

- I. **ROLL CALL.** Acting Town Manager/Selectman John Quinn III, Selectmen Kevin T. Beal, Brad Denny, Dennis Donahue, Lynn Doney, Matthew Gadbois, Kenneth W. Goslant, K. David Maxwell, and James R. Wilson. Also present were Acting Clerk Kenneth McCann, Laurie Baroffio (Finance Director), Arlington Supplee (Chair, Board of Listers), John Stevens (Brown Public Library Trustee), Shannon Palone (Pool Director), David Rugh (Stitzel, Page, & Fletcher), Kaylan Sweet (O'Maddi's Deli & Café), Shaun Sweet (O'Maddi's Deli & Café), Karen Preis, and Martha Mahan.

The meeting was called to order at 7:00 p.m.

- II. **PLEDGE OF ALLEGIANCE.** The Board members and the public were asked to rise and recite the Pledge of Allegiance.

III. **ORGANIZATIONAL MEETING OF THE SELECT BOARD**

- a. **Election of Chair.** Motion by Selectman Donahue, seconded by Selectman Goslant, to appoint John Quinn as Chair. **Motion passed 8-0-1, with Selectman Quinn abstaining.**
- b. **Election of Vice-Chair.** Motion by Selectman Goslant, seconded by Selectman Doney, to appoint Dennis Donahue as Vice-Chair. **Motion passed 8-0-1, with Selectman Donahue abstaining.**
- c. **Select Board Committees Discussion.** Chair Quinn believes that with the merger of the former Boards of Town Selectmen and Village Trustees, it might be a good idea to discuss which committees should be retained and which could be eliminated. Selectman Donahue thought that now that merger is here, the Merger Transition Committee appears to have no further purpose. Finance Director Laurie Baroffio felt that there may be some issues regarding merger implementation that may arise in coming months. There also remain some questions about consolidating conflicting Town and Village ordinances, etc. Selectman Denny suggested that the Merger Transition Committee could meet soon and prepare recommendations regarding the various board committees, i.e., which should be eliminated, combined, etc. Further discussion of this matter will be postponed until the Merger Transition Committee has met and made its recommendations.
- d. **Appointment of Utility Commissioner(s).** As part of the Merger Plan, two utility commissions were created: Water & Wastewater and Electric. Each commission will have three (3) members with two (2) elected by utility customers and the remaining member appointed by the Town Select Board. A Special Town Meeting was held on June 3, 2014; Chris Bradley and Stephen Fitzhugh were elected to serve on both commissions. The Select Board now needs to appoint the remaining positions on each commission and this may or may not be the same individual. Motion by Selectman Denny, seconded by Selectman Maxwell, to appoint Dennis Donahue to serve on the Water & Wastewater Commission and James Wilson to serve on the Electric Utility Commission. **Motion passed 7-0-2, with Selectmen Donahue and Wilson abstaining.**
- e. **Regular Meeting Schedule (Dates, Time, and Location).** As was previously agreed, the newly-consolidated Town Select Board will meet at 7:00 p.m. on the second and fourth Tuesdays of each month in the Community Room located in the Brown Public Library. There will be one exception this calendar year: the Board will meet on Monday, November 10, 2014, in order to avoid a conflict with the Veterans Day holiday. Meeting agendas will continue to be posted inside and outside the Municipal Building as well as outside the *Northfield News* office, Kenyon's Hardware Store, and the Common Café.
- f. **Designation of Official Newspapers.** Motion by Selectman Gadbois, seconded by Selectman Denny, to retain the *Northfield News*, the *Times Argus*, and the (*Washington*) *World* as the official newspapers for the Town of Northfield. **Motion passed 9-0-0.**

- IV. **SET/ADJUST AGENDA.** Chair Quinn would like to move David Rugh (attorney) and the Phase I Environmental Site Assessment Report (11 Wall Street) forward on the agenda under "Public Participation." In addition, Kaylan Sweet, who was scheduled to address the Boards at the last meeting regarding her proposal to supply food to the Municipal Pool, also will be added under "Public Participation."

V. **PUBLIC PARTICIPATION (SCHEDULED)**

- a. **David Rugh (Stitzel, Page & Fletcher): Phase I Environmental Site Assessment (11 Wall Street).** Mr. Rugh stated that Northfield resident Lawrence Drown was found liable in Environmental Court for several zoning violations on his properties. In order to collect the penalties that the court imposed, the Town has foreclosed (or will foreclose) on his non-homestead properties. The process is still ongoing for his property at 14 Western Avenue as Mr. Drown has filed an injunction claiming that the trailer on the site constitutes his homestead domicile. Mr. Rugh is skeptical regarding the possible success of this claim since in the past Mr. Drown has maintained that his house across the street (11 Western Avenue) is his primary residence. In addition, the Town is attempting to take control and sell by auction Mr. Drown's commercial property located at 11 Wall Street. In preparation for this action, a Phase I Environmental Site Assessment was performed on the property. Some hazardous materials were found that were believed to have originated from some of the former businesses on the site. In addition, there is on the property a large drum with unknown contents. However, nothing was found that should be of immediate concern, i.e., no PCBs or other carcinogens were detected.

The Town's next decision is whether to shield itself from further liability either by reaching an "Involuntary Acquisition Agreement" with the Vermont Agency of Natural Resources (ANR) or by conducting a Phase II Environmental Site Assessment. This second site assessment would be more thorough and more expensive (approximately \$10,000 to \$20,000) than the first had been. If the Town does not conduct this second assessment, even though any cleanup liability would pass on to whoever buys the property, the possibility of future liability might result in a lower selling price. It also is possible that a potential buyer might choose to conduct his/her own Phase II Environmental Site Assessment before bidding for the property. Chair Quinn asked if the buyer would have to perform another site assessment if the Town performs its own prior to the sale. Mr. Rugh stated that a second site assessment would not be needed provided that the sale occurred within six (6) months of the latest one. Chair Quinn asked how the estimated cost was determined. Mr. Rugh stated that the actual cost would depend on whether any hazardous materials were found in the site subsurface during the initial stages. If hazardous materials were found during the preliminary site borings, deeper ones would have to be conducted that could significantly increase the assessment cost. Chair Quinn stated that Sarah Bartlett (ANR) has told him that the State might be willing to help Northfield out with the site assessment costs. Mr. Rugh stated that Mr. Drown's redemption period for the 11 Wall Street property expired last month and the Town now needs to decide whether or not it still intends to seek foreclosure.

Motion by Selectman Denny, seconded by Selectman Doney, to authorize the filing with the court of a certification of non-redemption for the property. Mr. Rugh noted that the property has been assessed at \$53,700 and there are potential buyers interested. Selectman Denny noted that a property about half the size of this one in the same area recently sold for about \$35,000. **Motion passed 8-0-1, with Selectman Maxwell abstaining.**

Motion by Selectman Denny to authorize Acting Manager Quinn and Mr. Rugh to move forward with the foreclosure of the 11 Wall Street property and a potential site assessment. After some discussion, it was the Board's consensus that a motion was not needed for Mr. Rugh to act further on this matter so the motion died for lack of a second. Chair Quinn also will continue to work with ANR on this. Should there be a determination that a Phase II Environmental Site Assessment is needed, this would need to come back to the Select Board for authorization.

- b. **Kaylan & Shaun Sweet, O'Maddi's Deli & Café: Food Proposal for Municipal Pool.** Ms. Sweet stated that she has been going to the pool for some time and felt that it would be a good idea to have more healthy refreshment options there (i.e. sandwiches, salads, wraps, fruit cups, etc.). Ms. Sweet has prepared a written proposal that would have O'Maddi's sell foodstuffs directly to the Town, which then would sell to the public at a markup price. The program would start in limited stages to see if there is any interest. The number of items sold to the Town at one time would be kept small to reduce the possibility of spoilage. Pool Director Shannon Palone has some reservations regarding this proposal. The pool staff currently sells limited items (popcorn, candy, ice cream, etc.) on a daily basis but does have special fundraising events at which hot dogs and other items are sold. She felt that there wasn't any additional capacity in the refrigerator on site and is concerned that adding another one might overload the power system. Selectman Goslant would favor getting rid of the middleman and allowing O'Maddi's staff to sell their products at the pool. This would eliminate any potential liability for the Town. Ms. Palone believes that allowing one outside group to sell their items at the pool without going through a bid process would be unfair to other vendors who also might be interested. Ms. Sweet thought that her proposal had been a simple one that would allow pool employees to sell healthy items to pool patrons. Selectman Goslant felt that Ms. Sweet's proposal would mean that a better product would be available at the pool on a regular basis. Having more food items on hand might actually increase the number of people frequenting the pool. Chair Quinn has no objection to allowing this proposal on a trial basis for the rest of this pool season, which is about six (6) weeks. There can be a determination of whether this was a successful experiment or not after the pool closes for the summer (08/23/14). Ms. Baroffio wanted clarification that the Town would purchase the food upfront from O'Maddi's and then sell at a profit. Chair Quinn confirmed that this was the proposal under discussion. Selectman Beal would prefer that the food be sold directly by O'Maddi's employees at the pool rather than by the lifeguards. Selectman Maxwell agreed with Ms. Palone that providing this type of exclusive franchise to one vendor would require a bidding process beforehand. He believes that Ms. Sweet's original proposal only meant that the Town would be adding an additional supplier of foodstuffs at the pool (in addition to Capital Candy). Selectman Denny asked how the sale of Capital Candy items is handled. Ms. Palone stated that the Town buys items directly from the supplier and then sells them at a markup. An inventory is kept on what is sold, how many of each item, the cash collected, etc. She felt that adding another vendor would be too much responsibility for the lifeguards in addition to their other duties. It was the consensus of the Board that Acting Manager Quinn will ask Ms. Palone to implement O'Maddi's Deli & Café as a new vendor for the Municipal Pool on a trial basis. Now that prepared food will be available at the pool, Ms. Palone will contact the Board of Health to determine what permits might be required, etc.

VI. APPROVAL OF MINUTES

- a. **June 9, 2014 (Town Select Board Regular Meeting).** Motion by Selectman Denny, seconded by Selectman Goslant, to approve the minutes. **Motion passed 3-0-2, with Selectmen Doney and Gadbois abstaining. (As this meeting was held prior to municipal merger, the former Village Trustees did not participate in this process.)**

- b. **June 10, 2014 (Village Trustees Regular Meeting).** Motion by Selectman Beal, seconded by Selectman Donahue, to approve the minutes. **Motion passed 3-0-1, with Selectmen Maxwell abstaining. (As this meeting was held prior to municipal merger, only the former Village Trustees participated in this process.)**
- c. **June 23, 2014 (Joint Board Meeting).** Motion by Selectman Denny, seconded by Selectman Wilson, to approve the minutes. Selectman Beal asked to have the minutes amended to show that during the discussion of whether or not to accept the high bid for the used Ambulance unit, he suggested that the matter be tabled until a future meeting. **Motion passed 6-0-3, with Selectman Quinn, Gadbois, and Donahue abstaining.**
- d. **June 25, 2014 (Special Joint Board Meeting).** Motion by Selectman Denny, seconded by Selectman Doanhue, to approve the minutes. **Motion passed 5-0-4, with Selectman Donahue, Doney, Gadbois, and Wilson abstaining.**

VII. APPROVAL OF BILLS

- a. **Warrant #02-15.** Motion by Selectman Gadbois, seconded by Selectman Donahue, to approve Warrant #02-15 in the amount of \$632,065.71. Selectman Beal hoped that future warrants could have the enterprise funds (water, sewer, and electric) put on a separate document. Ms. Baroffio felt that generating two separate warrants would defeat one of the points in favor of merger: reducing the amount of paperwork. Selectman Beal thought that if this was done, the document with utility payments could be forwarded to the utility commissioners for their review. Ms. Baroffio is concerned that allowing the utility commissioners to have input on utility expenses might cause delays in bills getting paid, etc. Chair Quinn felt that the information could be forwarded to them electronically for informational purposes only. Selectman Goslant asked if it were possible to go over the warrant line-by-line tonight. Chair Quinn stated that was not possible; since he is only the Acting Manager for about an hour each week, he would not be able to explain all the items on the warrant. Selectman Doney asked if it really cost \$560 each month to provide water for the Common Fountain. Selectman Beal confirmed this and stated that is why he has been pushing for the installation of a recirculation fountain for some time. Selectman Gadbois asked if the fountain could be put on a timer and shut down during the night. Chair Quinn will speak to Utility Superintendent Patrick DeMasi on this. Selectman Goslant asked why the Brown Public Library (BPL) is purchasing heating oil in the summer. BPL Trustee John Stevens said that since the building does not have an electric water heater, hot water must come from the oil burner. **Motion passed 9-0-0.**
- b. **Approval of Bi-Weekly Payroll through June 22, 2014.** Motion by Selectman Gadbois, seconded by Selectman Maxwell, to approve the bi-weekly payroll in the amount of \$63,666.22. Selectman Beal asked why the Board was being asked to approve this. Ms. Baroffio stated that the former Town Select Board requested this information in the past even though the former Village Trustees chose not to. She added that since this pay period ended before municipal merger, it does not include any of the former Village departments. The next payroll sheet will include them. Chair Quinn asked why the total payments were larger than the previous pay period. Ms. Baroffio stated that it included payments for pool employees as well as some end-of-the-fiscal-year payments such as Board stipends, etc. Selectman Beal believes that tracking payroll expenses should be the responsibility of the Town Manager and not subject to Board approval. Chair Quinn noted that having Board oversight of payroll expenses has had some benefits including the creation of a new work schedule for the Northfield Police Department that has resulted in significant overtime expense savings. **Motion passed 9-0-0.**

VIII. SELECT BOARD

- a. **Approval of Grand List Errors & Omissions.** Lister Chair Arlington Supplee is requesting that the Select Board authorize that the lodged 2014 Grant List be increased by \$40,000. A property owner had her Veteran's exemption denied by the Department of Taxes since it was decided that she does not reside in Northfield. Therefore, the taxable real value of her Northfield property now is \$109,000 rather than \$69,000. Motion by Selectman Denny, seconded by Selectman Maxwell, to approve the Grant List correction and authorize Chair Quinn to sign the confirmation form. **Motion passed 8-0-1, with Selectman Gadbois abstaining.** Mr. Supplee added that the Town-Wide Reappraisal process is going well with home inspections now being conducted throughout the downtown area (formerly known as "Northfield Village"). He expected that the inspections should be completed by this October.
- b. **Approval of 2014/2015 Tax Rates (Homestead & Non-Residential).** Ms. Baroffio stated that due to a 10.09¢ increase in the State Education Tax (Homestead), the Homestead Tax Rate has risen from \$2.6357 to \$2.6721. Similarly, a 15.76¢ increase in the State Education Tax (Non-Residential) has caused the Non-Residential Tax rate to increase from \$2.7544 to \$2.8475. Selectman Denny noted that had the local tax amount not gone down, the impact on Northfield taxpayers would have been even greater. Ms. Baroffio added that part of the reason for the Education Tax increase was that Northfield's Common Level of Appraisal (CLA) is outdated. This should be lessened when the Town-Wide Reappraisal has been completed.

Motion by Selectman Donahue, seconded by Selectman Denny, to approve the FY 2014-2015 Homestead Tax Rate in the amount of \$2.6721. **Motion passed 9-0-0.**

Motion by Selectman Donahue, seconded by Selectman Denny, to approve the FY 2014-2015 Non-Residential Tax Rate in the amount of \$2.8475. **Motion passed 9-0-0.**

- c. **Fairground Road Bridge Replacement Project update.** Chair Quinn reported that the Town advertised for bid proposals to install the new bridge. The bids received were much higher than had been expected so Northfield now is working with FEMA to cover the gap between what FEMA will provide and what the Town is expected to pay.
- d. **Schedule First Public Hearing for Revised Town Plan.** The Northfield Town Plan that was adopted in August 2009 will expire next month. After numerous meetings, the Planning Commission has made several updates and other revisions to the local plan. Before the revised plan can be formally approved by the Town Select Board, two (2) public hearings will have to be held. Zoning Administrator Braun would like them held before the Select Board's regular meetings in August. Motion by Selectman Beal, seconded by Selectman Gadbois, to schedule the public hearings for the nights of August 12, 2014 and August 26, 2014. **Motion passed 9-0-0.** Copies of the revised plan will be available for review at the Town Clerk's office, the Brown Public Library, and on the Northfield website (www.northfield-vt.gov).
- e. **Informational Meeting (Special Town Meeting Articles).** An Informational Meeting for this month's Special Town Meeting (see below) will be held at 7:00 p.m. on Tuesday, July 22, 2014 in the Community Room located in the Brown Public Library (93 South Main Street).
- f. **Special Town Meeting (Water and Stormwater Improvements Bond Vote).** This will be an election by Australian Ballot held in the Lobby of the Northfield Middle/High School from 7:00 a.m. to 7:00 p.m. on Tuesday, July 29, 2014. The Town is seeking voter authorization for general obligation bonds in order to finance the replacement of water mains on Central Street, Washington Street, and King Street along with the replacement of storm drains on Central Street. Early/Absentee Ballots for this election are available from the Town Clerk's Office.
- g. **Status Reports: Various Projects**
 - 1. **Sale of Used Highway Vehicles, etc.** Chair Quinn reported that one of the used dump trucks has been sold and there is a tentative agreement to sell the other. These sales will provide the funds needed to fund the purchase of the new 2014 Western Star Tandem Dump Truck. In addition, the new McLean MV2 is now in town. This vehicle will be used for winter sidewalk maintenance, etc.

IX. BOARD MEMBERS' COMMENTS, CONCERNS, QUESTIONS.

- a. **Knotty Shamrock Complaint.** Selectman Maxwell noted that an unsigned letter of complaint has been received regarding the new outdoor dining at the Knotty Shamrock. The "concerned citizen" believes that the new setup makes it difficult for both pedestrians and drivers to navigate East Street. Selectman Maxwell stated that when he and the other Village Trustees gave permission for the outdoor seating last month, it was conditional that the chairs and tables would not block the sidewalks or cause traffic problems. Chair Quinn said that he had been working with the Knotty Shamrock's owner (Kevin Pecor) to make sure that the road and sidewalk are accessible.

X. PUBLIC PARTICIPATION (UNSCHEDULED)

- a. **Karen Preis: Vermont Route 12 South.** Ms. Preis lives on South View Road and is concerned about the number of speeders on Vermont Route 12 South, which is her nearest cross street. People are driving much faster than the posted speed limit. Chair Quinn did not feel that the speed limit should be changed but that this was an enforcement matter. He suggested that Ms. Preis should contact Police Chief James Dziobek with her concerns. Selectman Maxwell thought that it might be a good idea to put up the police trailer that indicates and records drivers' speeds on the site. Ms. Preis also is concerned about the poor state of the paving on the road (just south of paving done last summer). Chair Quinn noted that this is a State Highway and is not on an upcoming paving list. Ms. Preis asked if a petition to the State might hasten the process. Selectman Beal thought that it couldn't hurt. A petition already has been circulated asking the State to repave the bad sections of Vermont Route 12 in West Berlin.
- b. **John Stevens, Brown Public Library (BPL) Trustee: Roof Repairs.** Mr. Stevens had forwarded an email to the Board that indicated the extent of the problem with the BPL roof as well as possible solutions. Chair Quinn would like to postpone further discussion of this matter until the new Town Manager (Jeffrey Schulz) is on board in a couple weeks. Selectman Denny noted that according to Mr. Steven's email, the problem with the roof is much more serious than had been previously assumed. The roof was given a temporary fix this past spring but now there seems to be a structural defect. Mr. Stevens confirmed that the main problem is the poor condition of the dormer by the front door. This matter will be on the agenda of the next regular meeting (07/22/14).

XI. ADJOURNMENT. Motion by Selectman Beal, seconded by Selectman Goslant, to adjourn. **Motion passed 9-0-0.**

The meeting adjourned at 8:55 p.m.

Respectfully submitted,

Kenneth L. McCann

Kenneth L. McCann, Acting Clerk

An audio recording of this meeting is available in the Town Manager's Office.

These minutes were approved at the Select Board Meeting of July 22, 2014.